

## REMARKS

Examiner has rejected claims 15 and 16 under 35 U.S.C. 102(b) as being anticipated by or in the alternative under 35 U.S.C. 103 as being obvious in view of WO98/18330 (“Sawan, et al.”). Sawan, et al. discloses that organic compounds which can reversibly bind biocidal compounds, such as silver salts may be used to form coatings on various devices (page 16, line 14-17), including contact lens cases (page 21, lines 9-17). The coatings are formed by applying the organic compounds to an article and treating the article with a biocide, to reversibly bind the biocide to the organic compound.

Claims 15 and 16 of the present application recited lens cases having a specified amount of activated silver. Activated silver is defined as:

“silver that has been incorporated into the polymer of a lens, prior to forming the lens and subsequently activated by treatment with an oxidizing agent.” Page 3, lines 20-22, present application.

Sawan, et al. does not disclose that (a) the silver may be incorporated directly into the polymer from which the article is made, and (b) that the article incorporating silver should be treated with an oxidizing agent prior to use. Clearly, claims 15 and 16 as written are novel over Sawan, et al.. Neither does Sawan, et al. suggest that articles containing silver should be activated by treatment with an oxidizing agent. Even if Sawan, et al. did suggest that lens cases coated with an organic compound and then treated with a biocide, should be further treated with an oxidizing agent (which it does not), the present application contains surprising results sufficient to overcome the suggestion. Example 5 of the present application clearly shows that lenses which contain activated silver in accordance with the present invention are clear, whereas lenses which have not been treated with an oxidizing agent are opaque. See Table 3, page 12. Also, lenses which contain activated silver have bacteria counts which are much lower ( $3.4 \times 10^4$ ) than lenses containing silver which has not been activated ( $6.2 \times 10^8$ ). There is nothing in Sawan, et al. which would suggest these results. Accordingly, claims 15 and 16 as originally filed are novel and not obvious in view of Sawan, et al..

Examiner has also rejected claims 1-14 under 35 U.S.C. 103 as unpatentable over (“Nissen et al.”), in view of EP 1,050,314 (“Barry et al.”) and US 5,312,586 (“Stockel”).

Nissen et al. disclose that "Although use of a multifunction solution or hydrogen peroxide system according to the instructions represent an effective method for killing pathogenic germs, they can produce adverse effects for the wearer of contact lenses. . . An alternative to the use of disinfection solutions can be contact lenses that have their own antimicrobial finish." See the last paragraph on page 2, of the full translation, a copy of which is provided herewith. The Materials and Methods section on page 3 neither discloses nor suggests that the coated lenses be contacted with an oxidizing agent.

Barry, et al. discloses that silver zeolites may be used as an antimicrobial agent in a polymeric material. There is nothing in Barry et al, which discloses or suggests that the antimicrobial lenses should be treated with an oxidizing agent. In fact, Barry et al. teaches away from the present invention at column 11, lines 25-31, stating "In this embodiment, contact lens 11 can be stored in a commercially available preserved contact lens soaking solution while the lens is not in use in the eye. Such soaking is satisfactory to maintain contact lens 11 suitably free of microorganisms *without the need for a separate disinfection procedure, for example, contacting contact lens 11 with hydrogen peroxide.*" [emphasis added].

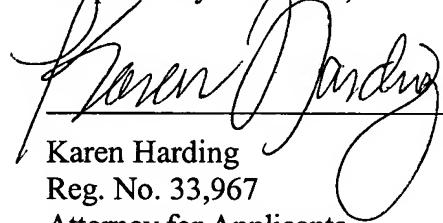
Stockel discloses a process for disinfecting a contact lens. Lenses containing an antimicrobial agent of any kind are not disclosed. Accordingly, none of the above references taken alone or in combination suggest a contact lens comprising silver which has been activated by contact with an oxidizing agent. Moreover, as both Nissen et al. and Barry et al. expressly disclose that conventional disinfection processes are not necessary, there is no suggestion in the references themselves to support their combination.

Even if the combination was appropriate (which it is not), the results disclosed in Example 5 of the present application clearly shows that lenses which contain activated silver in accordance with the present invention are clear, whereas lenses which have not been treated with an oxidizing agent are opaque. See Table 3, page 12. Also, lenses which contain activated silver have bacteria counts which are much lower ( $3.4 \times 10^4$ ) than lenses containing silver which has not been activated ( $6.2 \times 10^8$ ). There is nothing in Nissen, et al., Barry, et al. or Stockel, taken alone or in combination which would suggest these results. Accordingly, claims 1-14 as originally filed are not obvious in view of

Nissen, et al., Barry, et al. or Stockel, taken alone or in combination. Applicants respectfully submit that the foregoing remarks traverse the Examiner's rejections.

The passage to allowance to allowance of the claims are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (904) 443-3074 to clarify any unresolved issues raised by this response.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "Karen Harding", is written over a horizontal line. The signature is fluid and cursive.

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